

ATTORNEY DOCKET NO: 16139/09015
(USCRF#20262)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of Genge et al.)	Examiner: Paul D. Marcantoni
Serial No: 09/978,601)	Art Unit: 1755
Filed: October 16, 2001)	Deposit Account: 50-2548
Title: Biocompatible cement containing reactive calcium phosphate nanoparticles and methods for making and using such cement)	

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RESPONSE TO RESTRICTION REQUIREMENT WITH TRAVERSE

Commissioner for Patents
Washington, DC 20231

Dear Sir:

This is a response to the Office Action dated January 24, 2003. This response is being deposited as First Class Mail on the date noted on the accompanying Certificate of Mailing and is believed to be timely with respect to the one month shortened statutory period for response that was set in the Action in view of the Petition for an Extension of Time under 37 C.F.R. §1.136, and appropriate fee for a one-month extension of time, both of which are filed herewith.

With respect to the restriction of claims under 35 USC §121, subject to the traverse discussed below, the Applicant provisionally elects the claims of Group I (claims 1 – 33).

The Applicant respectfully traverses the restriction requirement on the basis that a search and examination of the claims included in Groups I through VI (claims 1 - 55) would not create a serious burden for the examiner. It is believed that the search would not be unreasonably burdensome because it will be necessary to use the same key terms -- such as "tricalcium phosphate nanoparticles", "cementous", and "cement", and the like -- in searching any one of the proposed groups of claims. Thus, a search that covered the claims of one group would necessarily include art related to all other claims.

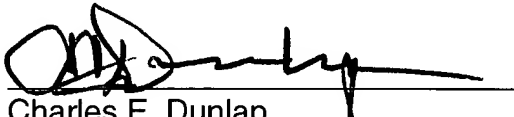
It is believed that the result would be that the Examiner would not be required to search the subject matter of one proposed group of claims in places having no art that pertains to claims in the other proposed restriction groupings.

The Examiner's consideration of this request is respectfully requested. If issues remain unresolved, the Examiner is invited to contact the undersigned at the telephone number given below.

Respectfully requested,

NELSON MULLINS RILEY & SCARBOROUGH

March 20, 2003
Date


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PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, DC 20231

Dear Sir:

INTRODUCTORY COMMENTS:

This Preliminary Amendment is filed prior to the receipt of an Office Action on the merits. It is respectfully requested that the claims be amended by the addition of four new claims that are described below, and that the claims be examined and be found to be allowable. The fee for the additional claims is included herewith.

This Amendment is being deposited as First Class Mail on the date noted on the accompanying Certificate of Mailing.

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